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REJECTION OVER A PENDING "REFERENCE" APPLICATIONDocket Number (Optional)  
3.0587/PC26122A

In re Application of: Babcock et al.

Application No.: 10/678,145

Filed: October 6, 2003

For: COMPOSITIONS OF CHOLESTEROL ESTER TRANSFER PROTEIN INHIBITORS AND HMG-COA REDUCTASE INHIBITORS

The owner\*, Bend Research, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference Application Number 11/566,408**, filed on December 4, 2006, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2.  The undersigned is an attorney or agent of record. Reg. No. 28,763

Signature

November 30, 2009

Date

Dennis E. Stenzel

Typed or printed name

503-227-5631

Telephone Number

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